

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)

Plaintiffs,)

vs.)

Case No. 4:09-CV-00686-ERW

E.I. DUPONT DE NEMOURS AND)
COMPANY and PIONEER HI-BRED)
INTERNATIONAL, INC.,)

Defendants.)

**DEFENDANTS' MOTION FOR LEAVE TO FILE
DOCUMENT UNDER SEAL**

Pursuant to E.D. Mo. L. R. 13.05(A) and the Protective Order entered in this case (Dkt. # 238), E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively "Defendants") hereby respectfully move the Court for an order allowing Defendants to file under seal a copy of Defendants' Memorandum in Opposition to Plaintiffs' Emergency Motion Regarding Violation of the Protective Order. The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. (*See, e.g.*, Dkt. Text Orders entered May 20, 2009 and June 17, 2009).

2. Defendants respectfully request that they be permitted to file under seal a copy of Defendants' Memorandum in Opposition to Plaintiffs' Emergency Motion Regarding Violation of the Protective Order. This document quotes the confidential terms of the parties' agreements and also contains other confidential information. A redacted version of this document is not being filed with the Court at this time due the limited time Defendants have had to respond to Plaintiffs' Emergency Motion before the hearing that has been set by the Court for this afternoon at 2 p.m. (*See* Dkt. # 369). Should the Court request, or if it becomes necessary for some other

reason, Defendants will submit a redacted version of their Memorandum in Opposition following today's hearing.

WHEREFORE, Defendants respectfully request that the Court enter an order allowing Defendants to file under seal an unredacted copy of Defendants' Memorandum in Opposition to Plaintiffs' Emergency Motion Regarding Violation of the Protective Order.

Dated: October 12, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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